

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Schools and Libraries

Universal Service Support Mechanism

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CC Docket No. 02-6

**REPLY COMMENTS OF THE CHICAGO PUBLIC SCHOOLS
ON THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY
PROPOSED ELIGIBLE SERVICE LIST FOR THE 2009 FUNDING YEAR
OF THE UNIVERSAL SERVICE FUND
(FCC 08-180)**

INTRODUCTION

In the Federal Communications Commission's ("FCC" or "Commission") Public Notice (FCC 08-180) released on July 31, 2008, the Commission asked and received comments on the Universal Service Administrative Company's ("USAC") proposed Eligible Services List ("ESL") for Funding Year (FY) 2009. Specifically, the FCC asked for comments on which proposed services are eligible under the Commission's current rules. As of August 14, 2008, the FCC received numerous comments regarding the draft ESL.

Chicago Public Schools ("CPS"), the nation's third largest school district, has been an active participant of the Universal Service Fund since 1998. These are our reply comments submitted on the 21st day of August, in the year of 2008.

CPS is particularly concerned with the proposed "clarification" in the draft ESL for FY 2009 that *"Video On-Demand ("VOD") servers are ineligible for discounts."* CPS believes that this is an ill-advised change in policy, not a simple clarification. CPS reply comments are based on the following:

1. The "intended nature" of the Universal Service Fund program regarding accessibility;
2. Quantitative and qualitative results of the service being eligible for discounts; and
3. Practical impact on end users of Universal Service discounted services.

We hope these reply comments, as well as the other initial comments received, will help the Commission come to a practical and efficient solution regarding the eligibility of VOD and other services.

COMMENTS

Background

Beginning in E-Rate Funding Year 2002, CPS began to leverage E-Rate discounts to deliver educational-based video to its classrooms via VOD. Currently, more than 200 Chicago Public Schools receive access to digital educational media via E-Rate funded VOD servers. The streamlining of digitized, educational media traffic has been critical for a district of more than 600 schools with an aggregated discount rate of eighty-six percent, serving more than 400,000 students and more than 32,000 teachers in a limited bandwidth environment. In our K-8 schools, which are provisioned with only a single T1 line, VOD servers have provided equitable access to educational programming that would otherwise be impossible without local servers.

Educational Impact of VOD servers

The educational impact of digital media is well documented. Teachers who use instructional video report that their students retain more information, understand concepts more rapidly, and are more enthusiastic about what they are learning. With video as one component in a thoughtful lesson plan, students often make new connections between curriculum topics and discover links between these topics and the world outside the classroom. VOD servers directly help educators to:

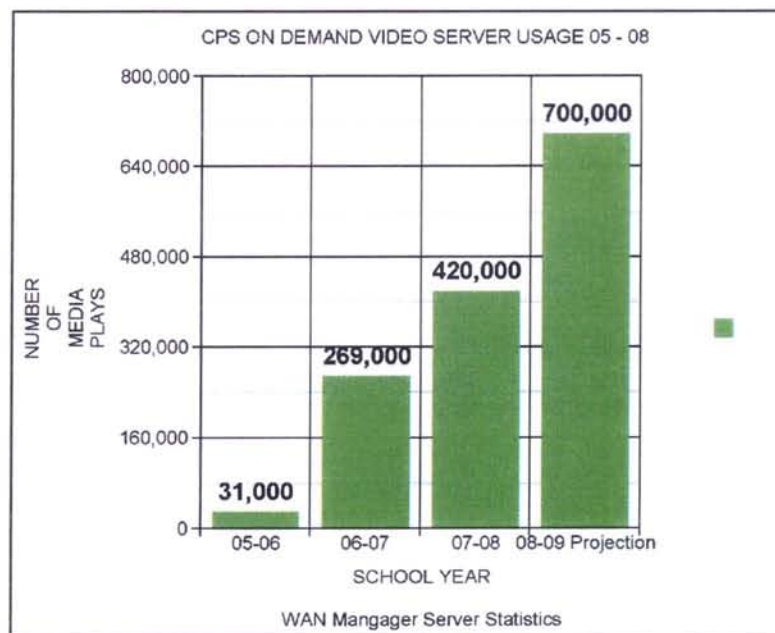
- Take students on otherwise impossible field trips -- inside the human body, or around the globe;
- Illustrate complex, abstract concepts through animated 3-D images;
- Show experiments that cannot be done in class; and
- Bring great literature, plays, music, or important scenes from history into the classroom.

Student use of video as a research tool is increasingly important. The advent of such sites as Google Video and YouTube has brought video into the mainstream of Internet search

results and usage. Unfortunately, the educational value of such media product is often lacking. Furthermore, the streaming of media from these sites has serious network and bandwidth implications. Nevertheless, the broad availability of such programming has conditioned students to crave access to digital media as part of their curriculum, lessons, and research options. Schools need a reliable digital library of media materials that satisfies their digital learning needs, CPS' learning objectives, and the reality of bandwidth constraints. A recent survey of teachers showed they are using video as a major component of their curriculum (PBS, April 2005). This study showed:

- Ninety percent (90%) of teachers said they use video in the classroom, with usage levels holding steady over the past few years;
- Forty percent (40%) of teachers are using full-length programs in class, while 24 percent (24%) most often use selected segments of programs; and
- Teachers say their chief reasons for using video in the classroom are (1) to reinforce and expand on content being taught, (2) respond to a variety of learning style and (3) increase students' motivation to learn.

CPS recognizes the importance of digital media in the classroom and is committed to providing a safe and reliable method to provide this vital resource. E-Rate funding is critical to that mission. As demonstrated in the chart to the right, the increase of media plays on the VOD servers has dramatically



increased over the years. This is in direct correlation with E-Rate discounts for internal connections being completed in schools, greater integration of VOD in the curriculum and, most importantly, the acceptance of the medium by students. CPS feels that such

results would not have been realized as swiftly had it not been for the E-Rate discounts of VOD servers.

From a qualitative view, a CPS internal study concluded the majority of our teachers were using the system on a weekly or daily basis. This study also demonstrated the importance of accessing VOD via servers. Teachers are becoming more engaged in lesson planning and curriculum execution due to the video supplementation of the lesson. Some teachers and technical coordinators' comments included:

"I work with special education students and it helps them to see what they are studying, reading, etc. It also helps with vocabulary development in the content areas."

"Teachers are free to interject video clips to reinforce goals of individual lessons. This is an approach that really meets the needs of visual learners. It is also very effective with our deaf students who are visual learners."

"It is a great resource; children are able to see events, historical speeches, fictional stories, etc., in a way that I could never explain. I often use VOD via SAFARI to illustrate such concepts."

"It gives our teachers instant access to quality educational videos. The bookmark or playlist feature allows our teachers to quickly retrieve relevant lesson material. I also like the chapter feature which allows the teacher to easily incorporate snippets into their instruction."

"...Another aspect of the (VOD) system is the ability for teachers to prep for class in any of the computers in the school and not having to take the video home and spend their evening viewing a video for the next day..."

CPS has realized significant academic gains in some vital areas, including mathematics and science. Much of the material viewed with VOD servers deals with these subject matters. CPS urges the FCC not to rule VOD servers ineligible for the Universal Service discounts. CPS strongly feels that such actions would have an adverse impact on educational access and recent gains in areas such as mathematics and science.

Accessibility for Low and Moderate Income Citizens & Citizens with Disabilities

It is important to remember the end result that tends to get lost in the deliberation of policy: the impact on the end user-citizens that benefit from E-Rate discounts in our schools and libraries. CPS strongly urges the FCC to consider this impact. In urban districts, where many of the low and moderate income families are concentrated, as well as rural districts that share some of the same challenges, access to digital, educational

media via VOD servers at local schools and libraries is, for many, their only access to educational media. The assumption underlying the notion of declaring VOD servers ineligible may very well be that students' lives are rich with educational media. This is an erroneous assumption to make, considering socio-economic factors that place school districts like CPS, which is at an eighty-six percent (86%) overall E-Rate eligibility discount rate (based on 2007 NSLP data). As economic conditions worsen for our poorest students, access to technology and educational media is increasingly confined to school walls that are served by antiquated T1 connections. CPS is simply unable to provide the distance learning, digital media, and advanced technology opportunities that our students deserve without critical, requisite internal connections, including Local Area Network and Wide Area Network VOD servers.

Another erroneous assumption this proposed ineligibility of VOD servers makes is that end-users are able to access such material outside of school hours. Programs of similar content are usually broadcast during daytime hours or non-primetime hours, when many of the beneficiaries are in school. This inaccessibility is addressed through the current eligibility of VOD servers.

In regard to accessibility for those with disabilities, CPS urges the FCC to strongly consider how the eligibility of VOD servers helps schools and libraries comply with accessibility laws, particularly, but not limited to Section 255 of the Telecommunications Act, Sections I, II and II of the American Disability Act and Section 504 of the Rehabilitation Act. CPS VOD provides one of the most important services to our hearing impaired students, as all media on the VOD system is closed captioned, which is heavily used by our teachers who service hearing impaired students, as well as those who work with students that are English Language Learners.

CPS urges the FCC not to rule that VOD servers are ineligible for the Universal Service discounts. CPS strongly feels that such a ruling would not be in-line with the intended spirit of the E-Rate program providing accessibility to those citizens who may not otherwise be able to realize the benefits of technology and connectivity.

Vague Definition of VOD

CPS is in agreement with comments filed that the proposed eligible services language around VOD servers will cause extreme difficulty to all E-Rate participants. Based on our experience in participating with the E-Rate program, such a vague definition will only cause more administrative distress on both the applicants and the program administrator (USAC), particularly on deciding how to cost allocate ineligible functions. We know (or can safely assume) that the definition of a “server” consistently fluctuates. CPS urges the FCC to leave the eligibility intact or to define the term “VOD server” more concisely to ease any potential program administration and participation challenges.

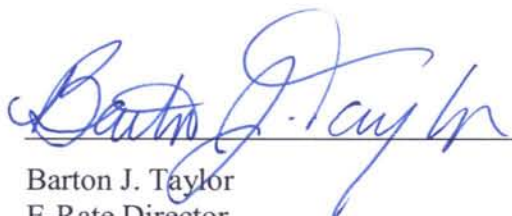
Monitoring Eligible Use

Based on the review of comments filed regarding the monitoring and cost allocating of eligible versus ineligible use of VOD servers, CPS urges the FCC not to rule that VOD servers are categorically ineligible for the Universal Service discounts. CPS feels strongly that there is a need for a practical and equitable method of determining what percentage a VOD server is being used for storage versus being used for transmission of information.


CPS asks the FCC to define how such a calculation can be formulated without a monitoring service, which is also ineligible according to program rules. CPS feels that such a method would perpetuate inequity and leave the percentage of eligibility to the subjectivity of a Program Integrity Assurance review versus concrete guidelines set by the Commission.

CONCLUSION

CPS is grateful to be a participant in the E-Rate discount program. We also understand the enormous undertaking the FCC and USAC assume in administering E-Rate. Through it all, CPS wants to ensure the ultimate beneficiaries of E-Rate — U.S. citizens who attend schools and visit public libraries — are always considered when any policy that impacts their access to technology is being considered. In an urban setting, where many students are low to moderate income family members, the school districts are their bridges to technology. For this reason, CPS urges the FCC to assure that the distribution functions of VOD servers continue to remain eligible for Universal Service discounts. We feel that the data, both quantitative and qualitative, supports this position.




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